



**MINUTES OF THE CITY COUNCIL  
UPDATE ON POLICE RESPONSE TO RECENT CRIMES AND GANG ACTIVITY**

**SAN JOSE, CALIFORNIA**

**TUESDAY, SEPTEMBER 18, 2012**

The Council of the City of San José reconvened in Regular Closed Session at 6:32 p.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle, Rocha; Reed.

Absent: Council Members - All Present.

**CLOSED SESSION**

Upon motion unanimously adopted, Council recessed at 6:33 p.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (a) with respect to existing litigation: (1) City, et al. v. County of Santa Clara, et al; Names of Parties Involved: City of San José, City of San José, a municipal corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually and in his official capacity as Santa Clara County Director of Finance, County of Santa Clara and Does 1 through 100, inclusive; Court: Superior Court of California, County of Santa Clara; Case No: 34-2012-80001190; Amount of Money or Other Relief Sought: Petition for Peremptory Writ of Mandate and Complaint for Declaratory Relief, Injunctive Relief and Damages. (2) Valentine v. City of San José, et al; Names of Parties Involved: Kim Valentine, City of San José, a public entity, Officer Niemeyer, an individual, Officer Liu, an individual, Officer Kurrle, an individual, Sergeant Chris Monahan, an individual and Does 1-50, inclusive; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV182895; Amount of Money or Other Relief Sought: Damages according to proof. (3) Rosa, Melissa v. County of Santa Clara, City of San José, et al; Names of Parties Involved: Melissa Rosa, County of Santa Clara, City of San José, Does 1-50, inclusive; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV-181775; Amount of Money or Other Relief Sought: Damages according to proof. (4) City vs. San José Police Officers' Association, et al; Names of Parties Involved: City of San José, San José Police Officers' Association, San José Firefighters, IAFF Local 230, Municipal Employees' Federation, AFSCME, Local 101, City Association of Management Personnel, IFPTE, Local 21;

## **CLOSED SESSION (Cont'd.)**

Court: United States District Court, Northern District of California; Case No: C12-02904 LHK; Amount of Money or Other Relief Sought: Validation of Measure B. (B) to confer to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

(D) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (a) with respect to existing litigation pertaining to the Successor Agency to the Redevelopment Agency of the City of San José: (1) City, et al. v. County of Santa Clara, et al; Names of Parties Involved: City of San José, a municipal corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually and in his official capacity as Santa Clara County Director of

## **CLOSED SESSION (Cont'd.)**

Finance, County of Santa Clara and Does 1 through 100, inclusive; Court: Superior Court of California, County of Santa Clara; Case No: 34-2012-80001190; Amount of Money or Other Relief Sought: Petition for Peremptory Writ of Mandate and Complaint for Declaratory Relief, Injunctive Relief and Damages.

By unanimous consent, Council recessed from the Closed Session at 7:00 p.m. and reconvened to Regular Study Session at 7:12 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo (7:18 p.m.), Nguyen, Oliverio, Pyle, Rocha; Reed.

Absent: Council Members - All Present.

## **UPDATE ON POLICE RESPONSE TO RECENT CRIMES AND GANG ACTIVITY**

Documents Filed: (1) Memorandum from Chief of Police Christopher M. Moore, dated September 14, 2012, stating the purpose of the study session was to understand the nature of this public safety issue and City responses to date, discuss alternative strategies and next steps. (2) The City's Skyrocketing Retirement Costs from the Office of Mayor Reed dated December 8, 2011. (3) Staff presentation summarizing the San José Police Department Update on Police Response to Recent Crimes and Gang Activity. (4) Letter from the California Reserve Peace Officers Association to Chief of Police Christopher M. Moore, dated September 5, 2012, regarding the legal status of reserve police officers in the City of San José.

Mayor Reed and City Manager Debra Figone presented introductory remarks.

Chief of Police Christopher M. Moore presented opening comments. Acting Assistant Director of Parks, Recreation and Neighborhood Services Angel Rios provided the report on crime concerns, gang intervention and suppression efforts, the Mayor's Gang Prevention Task Force and Community Crisis Response Protocol.

Chief of Police Christopher M. Moore presented the update on the Police response to recent crimes and gang activity. Deputy Chief of Police David J. Hober presented the redivisioning plan and response time trends.

Deputy Chief of Operations Larry Esquivel reported on patrol staffing, gang/burglary incidents, staffing/attrition, immediate/intermediate strategies and impact on the Police Officers. Deputy Chief Phan Ngo presented the climate report on staffing and work load, caseload management/evaluation, burglary and shooting scenario.

Deputy Chief of Bureau of Administration Eddie Garcia offered information about current sworn staffing levels, historical staffing, recruiting efforts, background unit staffing levels and forecasted attrition.

**(Cont'd.)**

Assistant Chief of Police Rikki Goede provided the current and future strategies pointing out the immediate actions taken: redeployed sworn staff to patrol, suppression cars, backfill vacancies and TDY from patrol, prisoner transport pilot, contact to completion, simulcast channels, and the IMPACT program.

Assistant City Manager Edward K. Shikada presented the background on compensation reductions.

## **PUBLIC COMMENTS**

- (1) Christian Hemingway stated that there are many resources available for families, at little or no cost to them, providing help with mentally ill family members.
- (2) Kathleen Flynn, Vice President, Dr. Martin Luther King Jr. Association, thanked the Police Department and offered her assistance to the City Council.
- (3) Cora Tomalinas presented her insights and stressed importance to prevention, intervention, suppression and rehabilitation.
- (4) Robert Sandoval expressed concern about the areas within District 8 that are deteriorating because of increased crime and gang violence.
- (5) Johnny Khamis expressed concern about the increase in crimes and burglaries, and suggested increasing the Police Officers' pay by 10% in order to keep officers from leaving.
- (6) Danny Garza spoke about various neighborhoods and their lack of trust of the Police Department.
- (7) Joe Nieto requested a Police Officer at the Plata Arroyo East Gate Community meetings.
- (8) Alberto Valdez provided comments related to the statistics on crimes from the Police Department.
- (9) Richard McCoy expressed concern about the increase in crime and not enough Police Officers to patrol all the neighborhoods.

Mayor Reed offered a presentation on the City's Skyrocketing Retirement Costs.

Extensive Council discussion ensued.

Mayor Reed provided a summary of the referrals for the Police Performance Incentive Pay to Staff as follows: (1) Consider developing a performance incentive pay package that would encourage lateral transfers and allow individual officers to receive incentive pay for specific achievements, such as: (a) Being hired without having to go through the Police Academy; (b) Passing a physical fitness test, such as a test required to be hired. (2) Determine the amount one time funding that would be necessary to fund the performance incentives. Mayor Reed pointed out that the referrals to Staff will come to the Rules and Open Government Committee for review October 03, 2012.

**(Cont'd.)**

Mayor Reed and City Manager Debra Figone offered closing comments.

Mayor Reed adjourned the meeting at 10:33 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis Hawkins, CMC  
City Clerk

smd/09-18-12 POLICE RESPONSE MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanJoseca.gov/city> or <http://www.sanJoseca.gov/civiccenterTV>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.